United Nations S/AC.50/2007/57/Add.1

# Security Council

Distr.: General
13 May 2008
English
Original: Spanish

**Security Council Committee established pursuant to resolution 1737 (2006)**

## Note verbale dated 30 April 2008 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the Office of the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006).

In that connection, the Argentine Republic has the honour to transmit herewith, in addition to the note dated 21 March 2007 (S/AC.50/2007/57), Argentina's report concerning the implementation of resolutions 1737 (2006) and 1747 (2007) (see annex).

08-34222 (E) 090608 090608

## Annex to the note verbale dated 30 April 2008 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Committee

## Report of the Republic of Argentina submitted pursuant to paragraph 8 of United Nations Security Council resolution 1747 (2007)

The Argentine Republic has the honour to inform the United Nations Security Council of the steps it has taken with a view to implementing effectively the provisions of paragraphs 2, 4, 5, 6 and 7 of resolution 1747 (2007), dated 24 March 2007.

As a member of the United Nations, Argentina accepts and complies with decisions taken by the Security Council, whose resolutions are, pursuant to Article 25 of the Charter, binding. It should be pointed out that, in accordance with article 31 of the Constitution, treaties concluded by the Argentine Republic constitute the supreme law of the land and that, in accordance with article 75, paragraph 22, of the aforementioned constitution, treaties take precedence over domestic laws. In this connection, Security Council provisions involving coercive measures are directly applicable within the territory of the Argentine Republic. However, in order for these measures to be enforceable, they must be promulgated by means of their publication in Argentina's Official Gazette. This requirement is set out in article 3 of Act No. 24/080, which provides that international treaties and agreements creating obligations for natural and juridical persons other than the State are binding only after their publication in the Official Gazette, in accordance with article 2 of the Civil Code, which establishes that laws become binding only after their publication.

At the domestic level, and following the adoption of Decree No. 1521 of 1 November 2004, a decision of the Ministry of Foreign Affairs, International Trade and Worship is required for the promulgation of measures adopted by the United Nations Security Council. In that connection, the aforementioned Decree stipulates that Security Council resolutions adopted under Chapter VII of the Charter of the United Nations which establish binding measures for Member States that do not involve the use of armed force but entail sanctions, as well as decisions regarding the amendment or termination of such sanctions, must be promulgated by the Ministry of Foreign Affairs by means of a decision published in the Official Gazette. The Decree also states that when the Security Council or its subsidiary organs identify persons or entities subject to sanctions, the Ministry of Foreign Affairs shall promulgate and update the relevant lists by means of decisions published in the Official Gazette.

In that connection, Ministerial Resolution No. 617/2008 of 9 April 2008 promulgated the measures applicable to the Islamic Republic of Iran pursuant to Security Council resolution 1747 (2007).

### Paragraph 2

With regard to adoption of the necessary steps to notify the Committee established pursuant to resolution 1737 (2006) of the entry into or transit through Argentine territory of the persons designated in the annex to resolution 1737 (2006) and the annex to resolution 1747 (2007), as well as of additional persons designated

by the Security Council or the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, in accordance with the provisions of Decree No. 1521/2004, Ministerial Resolution No. 617/2008 promulgated the resolution and facilitated adoption of the necessary measures to prevent those persons from entering the Republic. In that connection, in addition to publication of the resolution in Argentina's Official Gazette, its content has been transmitted to the National Department of Migration and to the relevant security body, with a view to monitoring the entry into or transit through Argentine territory of persons subject to sanctions.

**Paragraph 4**

With regard to the obligation of all States to freeze the funds, other financial assets and economic resources which are on their territories and are owned or controlled by the persons or entities designated in the annex to resolution 1737 (2006) and in the annex to resolution 1747 (2007), as well as those of additional persons or entities designated by the Security Council or by the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them, the Central Bank of the Argentine Republic is responsible, at the domestic level, for implementing the measures needed to give effect to that sanction. In that connection, pursuant to the rules and regulations of the Central Bank, Argentine financial and exchange entities must comply with the provisions of Security Council resolutions, even though such resolutions are directly applicable in Argentine territory from the moment of their adoption.

Accordingly, Communication "A" 4273 of the Central Bank of the Argentine Republic stipulates that "financial and exchange entities shall, in line with the decrees issued by the Executive Branch concerning resolutions adopted by the United Nations Security Council in the context of counter-terrorism, give effect to the decisions (and their respective annexes) of the Ministry of Foreign Affairs, International Trade and Worship, as soon as they are officially published. When, in implementation of the foregoing, funds and other assets belonging to any of the persons or entities subject to Security Council sanctions whose names have been disseminated by the Ministry of Foreign Affairs, International Trade and Worship must be blocked, the entities concerned shall immediately notify the Federal criminal and correctional court on duty and surrender to it the funds and assets in question, provided that the aforementioned international organization has not expressly stipulated otherwise.

Similarly, by means of a note addressed to the Head Office for the Analysis and Monitoring of Special Transactions of the Superintendency of Financial and Exchange Entities, financial and exchange entities shall provide information as to whether any financial assets have been deposited, and whether transactions of any other type (including bank drafts and transfers) have been carried out or attempted, by account holders referred to in the decisions of the Ministry of Foreign Affairs, including transactions for the benefit of such persons or entities, as well as transactions carried out by persons and entities acting on behalf of or at the direction of the aforementioned persons and entities, including transactions involving funds

obtained or derived from assets owned or controlled, directly or indirectly, by such persons or by persons or entities associated with them. This information shall be provided within two working days of the publication mentioned in the preceding paragraph, or as soon as the intent of any of the persons on the lists drawn up by the Security Council to carry out any kind of transaction becomes apparent. Once the case has been referred to the Federal criminal and correctional court on duty, the particulars of the associated complaint shall be included in the information transmitted to the Central Bank of the Argentine Republic".

In addition to the foregoing, Communication "A" 4425 of the Central Bank of the Argentine Republic provides that financial and exchange entities must take into account the information contained in the lists established pursuant to Security Council resolutions, which may be accessed via the relevant websites. The Communication includes these web addresses and relevant recommendations.

**Paragraph 5**

With regard to the obligation of States to prohibit the procurement of arms or related materiel from the Islamic Republic of Iran by their nationals, or using their flag vessels or aircraft, the content of resolution 1747 (2007) has been brought to the attention of the National Arms Registry and the Federal Administration of Public Revenue, under which the Customs Authority operates.

It should be pointed out that the National Arms Registry has not recorded any operations involving firearms, ammunition or materials subject to its control since the adoption of resolution 1747 (2007), nor has it received any requests from companies doing business with their partners in the Islamic Republic of Iran.

For its part, the Customs Authority has not recorded any customs operations related to the sanctions imposed on the Islamic Republic of Iran since the María Computer System provides tools to prevent the recording of operations for import or export of the items referred to in resolution 1747 (2007).

**Paragraphs 3 and 4 of resolution 1737 (2006) and paragraph 6 of resolution 1747 (2007)**

It should be pointed out that the National Commission for the Control of Sensitive Exports and Military Materiel has not granted any advance export licences to the Islamic Republic of Iran, nor have any arrangements been made relating to Argentina's implementation of regulations for the control of sensitive exports and military materiel.

Similarly, the National Space Activities Commission has no cooperation whatsoever with the Islamic Republic of Iran in relation to the peaceful use of outer space.

For its part, the Nuclear Regulatory Authority, which monitors compliance with paragraphs 3 and 4 of resolution 1737 (2006) in cases involving the issuance of export licences for nuclear equipment and materials, has not received any requests related to the measures envisaged in resolution 1747 (2007).

United Nations S/AC.50/2007/57/Add.2

# Security Council

Distr.: General
13 May 2008
English
Original: Spanish

## Security Council Committee established pursuant to resolution 1737 (2006)

### Note verbale dated 28 April 2008 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the Office of the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) and has the honour to enclose herewith a copy of Ministry of Foreign Affairs, International Trade and Worship resolution 617/2008,* which promulgates the sanctions regime imposed on the Islamic Republic of Iran through Security Council resolutions 1737 (2006) and 1747 (2007).

* The text of the legislation is on file with the Secretariat and is available for consultation.

08-34331 (E) 110608 160608